

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Neil T. Dear

Examiner: Sheridan Swope

Serial No.: 10/009,571

Group Art Unit No.: 1652

Filing Date: 03-03-2004

Confirmation No. : 9704

For:

Novel Calpains and Their Use

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated November 24, 2008 of the Examiner finally rejecting Claims 1-6. Applicants also Petition for a 3-Month Extension of Time thus extending the due date for filing this Notice of Appeal until May 26, 2009.

Please charge deposit Account 50-1662 in the amount of \$540.00 and \$1,100.00 to cover the cost of the Notice of Appeal and the 3-Month Extension of Time fee, respectively. Any deficiency or overpayment should be charged or credited to the above-numbered deposit account.

If the Examiner has any questions regarding the above, or would like to discuss any aspect of the application further, he is respectfully requested to contact the undersigned attorney.

Polsinelli Shugart

Two Prudential Plaza
180 N. Stetson Avenue, Suite 4525
Chicago, IL 60601
(312)-873-3632 (Phone)
(312)-873-2932 (Fax)
lmueller@polsinelli.com

Respectfully submitted,

/Lisa V. Mueller/

Lisa V. Mueller
Attorney for Applicant
Reg. No. 38,978

Date: May 26, 2009

Direct telephone calls to: 312.873.3632